SUMMARY OF THE REJECTIONS

Claims 1, 3-16, 22, 24-37, 43, and 45-58 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Elgamal et al. (U.S. Patent No. 6,389,534) ("Elgamal") in view of Guheen et al. (U.S. Patent No. 6,615,166) ("Guheen").

Claims 17-21, 38-42 and 59-63 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Elgamal in view of Guheen and Schell et al. (U.S. Patent No. 5,933,503) ("Schell").

Claims 64-66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Elgamal in view of Guheen and Fieres et al. (U.S. Patent No. 6,148,083) ("Fieres").

Claims 1, 3-16, 22, 24-37, 43, and 45-58

The Office Action rejected Claims 1, 3-16, 22, 24-37, 43, and 45-58 under 35 U.S.C. §103(a) as allegedly being unpatentable over Elgamal in view of Guheen. The rejection is traversed, respectfully.

With regard to Claim 1, there is recited a method performed by a framework in a system comprising the framework and at least one application; that method comprising:

> receiving a request from the application for a customized implementation
> of a service;
> determining a set of zero or more restrictions to be imposed upon said
> customized implementation;
> dynamically constructing said customized implementation, said
> customized implementation incorporating said restrictions, and comprising
> enforcement logic for enforcing said restrictions; and
> providing said customized implementation to the application;
> **wherein said customized implementation is invocable by the
> application without further interaction with the framework.**

(emphasis added).

The method of Claim 1 is quite advantageous because it allows an application to obtain access to services without repeatedly requesting those services from some centralized framework.

Specifically, when an application needs to access a particular service, it makes a request to a centralized framework for a customized implementation of that service. In response, the centralized framework dynamically constructs the customized implementation. The customized implementation includes enforcement logic for enforcing certain restrictions on the service. The centralized framework then provides the customized implementation to the requesting application. It is an invocable implementation of the service that is returned to the application rather than a result of an operation. Because this is the case, the application can, in the future, obtain the service by invoking the customized implementation directly. The application does not need to interact with the framework again to obtain the service. By removing the framework from the service request/provision process, the method of claim 1 removes the centralized framework as a potential performance bottleneck. This and other benefits can be derived from the method of Claim 1.

The Office Action concedes that Elgamal does not teach or suggest a customized implementation that is **invocable by an application without further interaction with a framework**. The Office Action relies solely on Guheen to disclose, allegedly, this feature of Claim 1.

Specifically, the Office Action alleges that col. 43, lines 54-67 of Guheen disclose this feature of Claim 1. This section says:

> Data elements should therefore be locked at least by the time construction starts, and possibly earlier, depending on the discipline of the team. Project members must be allowed to browse the data elements, but only the Repository Management team should be allowed to modify or unlock data elements. In some

repositories, it is difficult to restrict the creation of repository objects. If this is the case, it may be acceptable to let designers create data elements if these are reviewed and locked at the end of each day. Increased control can be obtained by having designers submit requests for new data elements to the repository administrator. This allows the repository manager to evaluate whether the new data element is justified, or whether an existing one should be used.

The Office Action apparently analogizes the "data element" disclosed in the above section of Guheen to the "customized implementation" recited in Claim 1. In response to the Applicants' arguments, the Office Action says, "by letting designers create data elements, the customized implementation is introduced, since the designers could create/modify to implement their application/program without being interfere/interact [sic] with the framwork [sic]."

However, even if a "data element" can be **created** or **modified** without interaction with a framework, it does not logically follow that such a data element can be **invoked** without interaction with a framework. Even assuming that the "data element" discussed in Guheen is analogous to the "customized implementation" recited in Claim 1, **creating** and **modifying** a customized implementation is **not** the same as **invoking** a customized implementation. Claim 1 recites "wherein said customized implementation is **invocable** by the application without further interaction with the framework." Guheen does not disclose, teach, or suggest such invocability by an application without further interaction with a framework. Whether or not a customized implementation can be **created** or **modified** without interaction with a framework is **irrelevant** to the issue of whether Claim 1 is patentable.

Additionally, the cited section of Guheen only discusses what a **designer** is allowed to do relative to a data element. The cited section of Guheen says **nothing** about what an **application** is allowed to do relative to a data element. Clearly, a designer (a human being) is not an application (a computer program). Thus, even if a **designer** were allowed to invoke a data element without interacting with a framework, it does not logically follow that an **application**

would also be allowed to invoke that data element without interacting with a framework. Again, Claim 1 recites "wherein said customized implementation is invocable **by the application** without further interaction with the framework." Guheen does not disclose, teach, or suggest such invocability by an application without further interaction with a framework. Whether or not a customized implementation can be invoked by a **designer** without interaction with a framework is **irrelevant** to the issue of whether Claim 1 is patentable.

The Office Action apparently analogizes the "framework" of Claim 1 to the "framework of class libraries" discussed in Guheen, col. 30, lines 18-26. In response to the Applicants' arguments, the Office Action says, "A relatively new extension of the class library concept is to have a **framework of class libraries**. This framework is more complex and consists of significant collections of collaborating classes that capture both the small scale patterns and major mechanisms that implement the common requirements and design in a specific application domain." In col. 31, lines 21-24, Guheen says, "a **framework** basically is **a collection of cooperating classes** that make up a reusable design solution for a given problem domain."

However, even assuming that Guheen's "framework of class libraries" is analogous to the "framework" recited in Claim 1, Guheen's "data elements" **are not** invocable by an application **without interaction** with the framework of class libraries. In col. 30, lines 54-59, Guheen says, "Nevertheless, individual pieces of the **program** written by the developer **still call libraries** provided by the operating system to accomplish certain tasks, and the programmer must still determine the flow of control within each piece after it's called by the event loop." Thus, Guheen actually discloses that, even where a framework of class libraries is used in connection with a program, that program (i.e., **application**) still **calls** (i.e., **invokes**) libraries in a framework of class libraries.

Additionally, in col. 31, lines 42-47, Guheen also says, "It's possible to instantiate and call objects in the same way with a framework (i.e., to treat the framework as a class library), but to take full advantage of a framework's reusable design, a programmer typically writes **code** that overrides and **is called by the framework**." Thus, Guheen acknowledges that in order to "take advantage" of a framework, code which is "**called**" (i.e., **invoked**) "**by the framework**" typically is written. Therefore, rather than teaching that a customized implementation is invocable by an application **without further interaction** with a framework, Guheen actually discloses that code **is invoked by** a framework in order to take advantage of that framework's reusable design.

Thus, contrary to teaching or suggesting that a customized implementation is invocable by an application without further interaction with a framework, Guheen actually discloses that an application that uses a framework **does interact** with that framework when invoking class libraries in that framework. Therefore, Guheen fails to teach or suggest, "wherein said customized implementation is invocable by the application **without further interaction with the framework**" as recited in Claim 1.

Neither Elgamal nor Guheen discloses, teaches, or suggests the limitation "wherein said customized implementation is invocable by the application without further interaction with the framework" as contained in Claim 1. Therefore, even assuming, *arguendo*, that it would have been obvious to combine Elgamal and Guheen, the combination of Elgamal and Guheen still fails to teach or suggest this limitation. Accordingly, Claim 1 is patentable over Elgamal and Guheen, taken individually or in combination.

Claims 3-16 depend from Claim 1 and therefore comprise the limitations of Claim 1 that are distinguished from Elgamal and Guheen. Accordingly, Claims 3-16 are patentable over Elgamal and Guheen, taken individually or in combination.

Claims 22 and 24-37 are framework claims analogous to the methods of Claims 1 and 3-16, respectively. Claims 43 and 45-58 are computer-readable medium claims analogous to the methods of Claims 1 and 3-16, respectively. Therefore, Claims 22, 24-37, 43, and 45-58 are patentable over Elgamal and Guheen, taken individually or in combination.

Additionally, one of ordinary skill in the art would **not** have been motivated to combine Elgamal and Guheen at the time of the invention of the method recited in Claim 1. The Office Action says that the combination would have been obvious "since a person can absorb and manipulate information placed in a visual or graphical context much faster than if the same information is represented merely by alphanumeric text or conveyed verbally." This alleged motivation is taken from Guheen, col. 1, lines 23-31. Thus, the Office Action apparently alleges that, even though Elgamal admittedly doesn't disclose that a customized implementation is invocable by an application without further interaction with a framework, one of ordinary skill would have been motivated to **modify** Elgamal's alleged customized implementation so that it **was** invocable by Elgamal's alleged application without further interaction with Elgamal's alleged framework **because doing so** would enable a person to absorb and manipulate information placed in a visual or graphical context rather than in alphanumeric text or verbal communication.

Putting information in a visual or graphical context has **absolutely nothing to do** with whether a customized implementation is invocable by an application without further interaction with a framework. Suppose that there exists a system in which a customized implementation is

not invocable by an application without further interaction with a framework. Suppose that this system is then modified so that the customized implementation **is** invocable by the application without further interaction with the framework. There is **absolutely no conceivable reason** why making this modification would cause any information, which was previously presented only in an alphanumeric or verbal form, to be presented, instead, in a visual or graphical context. The modification would not lead to the alleged benefit. One of ordinary skill would not be motivated to modify Elgamal in order to achieve the benefits of Guheen because modifying Elgamal in the manner suggested in the Office Action **would not** produce the benefits of Guheen. There is **absolutely no nexus** between the modification proposed by the Office Action and the motivation alleged in the Office Action.

Furthermore, even if making the proposed modification were to somehow cause information, which was previously presented only in an alphanumeric or verbal form, to be presented, instead, in a visual or graphical context, Elgamal **has no use** for such a benefit. In Elgamal, there is no presentation of any information, in an alphanumeric or verbal form, which would be presented with greater benefit in a visual or graphical context. Elgamal's purpose is to provide policy filters such that an application is limited to accessing only those algorithms in an encryption module that are also indicated in the policy filters. This has nothing to do with presenting information in an alphanumeric or verbal form. Therefore, one of ordinary skill **would see no reason** to combine Elgamal with Guheen for the reasons alleged in the Office Action.

Claims 17-21, 38-42 and 59-63

The Office Action rejected Claims 17-21, 38-42 and 59-63 under 35 U.S.C. §103(a) as allegedly being unpatentable over Elgamal in view of Guheen and Schell. The rejection is traversed, respectfully.

Claims 17-21 depend from Claim 1 and therefore comprise the limitations of Claim 1 that are distinguished from Elgamal and Guheen. The Office Action does not even allege that Schell teaches or suggests these distinguished limitations.

Accordingly, Claims 17-21 are patentable over Elgamal, Guheen, and Schell, taken individually or in combination.

Claims 38-42 are framework claims analogous to the methods of Claims 17-21, respectively. Claims 59-63 are computer-readable medium claims analogous to the methods of Claims 17-21, respectively. Therefore, Claims 38-42 and 59-63 are patentable over Elgamal, Guheen, and Schell, taken individually or in combination.

Claims 64-66

The Office Action rejected Claims 64-66 under 35 U.S.C. §103(a) as allegedly being unpatentable over Elgamal in view of Guheen and Fieres. The rejection is traversed, respectfully.

Claim 64 depends from Claim 1 and therefore comprises the limitations of Claim 1 that are distinguished from Elgamal and Guheen. The Office Action does not even allege that Fieres teaches or suggests these distinguished limitations.

Accordingly, Claim 64 is patentable over Elgamal, Guheen, and Fieres, taken individually or in combination.

Claim 65 is a framework claim analogous to the method of Claim 64. Claim 66 is a computer-readable medium claim analogous to the method of Claim 64. Therefore, Claims 65 and 66 are patentable over Elgamal, Guheen, and Fieres, taken individually or in combination.

REQUEST FOR TELEPHONE INTERVIEW

Applicants' attorney, Christian Nicholes, formally requests a telephone interview with Examiner Truong **and her supervisor**. The agenda for the interview would be to discuss and clarify the following matters:

1) What, in Guheen, is supposed to correspond to the "customized implementation" of Claim 1?

2) What, in Guheen, is supposed to correspond to the "application" of Claim 1?

3) What, in Guheen, is supposed to correspond to the "framework" of Claim 1?

4) Given the answers to questions 1-3, where, in Guheen, does it say that the alleged customized implementation is invocable by the alleged application without further interaction with the alleged framework?
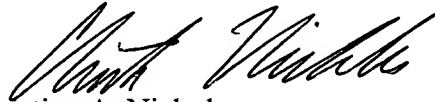
Applicant's attorney can be reached at (408) 414-1224.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all pending

claims are patentable over the art of record, including the art cited but not applied. Accordingly,

allowance of all claims is hereby respectfully solicited.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: January 25 , 2006

Christian A. Nicholes
Registration No. 50,266

2055 Gateway Place
San Jose, California 95110-1019
Tel: (408) 414-1224
Fax: (408) 414-1076

15437-0112/P4552NP   11